

Effluent Guidelines Task Force Meeting Summary

January 25-26, 2000
Washington, DC

United States Environmental Protection Agency

Effluent Guidelines Task Force January 25-26, 2000 Meeting

Tuesday, January 25, 2000

I. Welcome

Margaret Nellor, Sanitation District of Los Angeles County, Task Force Chair
Sheila Frace, Director, Engineering and Analysis Division, Office of Science and Technology, U.S. EPA

The meeting began at 9:30 a.m.

Ms. Nellor opened the meeting by welcoming participants and setting out the day's agenda.

II. Review of Task Force Recommendations

Sheila Frace, Director, EAD

Ms. Frace reviewed the status of EPA's response to the Task Force recommendations. In the early years of the Task Force (1992 - 1997), four reports were completed, voted out, and forwarded to the National Advisory Council for Environmental Policy & Technology (NACEPT) for approval. Subsequent to that, several workgroups developed reports which had not yet been submitted to NACEPT; 1) "Pretreatment Pass-through Workgroup Report", which went through an alternative methodology for determining pass-through; 2) "Co-Regulation and Multimedia Permitting Report", which included recommendations on developing a master schedule for rulemaking and encouraging State-level multimedia permitting. There were a number of additional recommendations that were voted out and were not consolidated into a report, and these are included in the document handed out today entitled "Recommendations For Streamlining the Effluent Guidelines Development Process." Ms. Frace asked the Task Force to review this report.

Ms. Frace explained that EPA assessed the key goals of the Task Force and the actual effect on the guidelines program. The first key area is expediting the effluent guidelines development process. This has been a topic of numerous workgroups and reports of the Task Force; the first one "Removing the Bottlenecks from the Regulatory Development Process" featured consolidated recommendations from the Task Force during the past two years. Most of the recommendations focused on data collection, which were identified as being one of the longest, most consuming aspects of the effluent guidelines process. Recommendations included better use of electronic information systems, better use of electronic questionnaires, and improved stakeholder outreach. The Engineering and Analysis Division (EAD) tried to

implement many of these recommendations, which include the regulation development for coal mining, animal feeding operations, and the synthetic drilling fluids. EAD is changing the process now for future guidelines that may require a questionnaire, where there are no existing extensive databases by issuing a new survey contract. This contract will involve people who have extensive experience with electronically transmitted questionnaires, and have more expertise in meshing databases that will result from those questionnaires.

Ms. Frace further explained that considering the regulations that were started since the first recommendations came out of the Task Force, EAD has managed to decrease the average time from start of the project to signature of the proposal to 30 months. In the past, the process flow chart calls for 60 months from start to signature of the proposal. This is a very significant improvement. EAD recently met with staff in the Office of Air Quality Planning and Standards (OAQPS) to better assess their current schedules. As a general rule, targeting a 36-month window from start of work to signature of the proposal is a comparable level to EAD.

However, not every guideline development can be achieved in 30 months, or even 36 months. One example is Iron and Steel, which when signed in October 2000, will have taken 48 months from our official start. This is an example of a regulation where it was necessary to do a questionnaire and initiate it before we had some of the additional contract support.

Mike Peters asked Ms. Frace to define “start of the project.” Ms. Frace explained that the start of a project is when senior management, internal to the Agency (AA level) selects a regulatory project for development, a team is assigned, and contract resources are made available. The way in which the Consent Decree is formatted, the deadline has been the end of the calendar year. There is no official notice in the Federal Register. EPA notifies the Natural Resources Defense Council (NRDC) and the industry shortly after the decision is made and a team is assigned.

Ms. Frace continued her discussion by stating that another key goal of the Task Force’s accomplishments is relevant to the content of the effluent guidelines. Considering the history of the Task Force, there have been a lot of activities focusing on regulations from a multi-media standpoint. Many of these activities concerned pollution prevention. There has been more focus on alternative technologies that might not necessarily be mainstream, but might be appropriate for at least a segment of the industry. Two examples include: pulp and paper effluent guidelines, which included a provision called “voluntary advanced technology incentives program (VATIP).” This regulation established base-line effluent quality (BEQ) that would apply automatically to everyone across the board, provided they did not opt into this VATIP. The level for BEQ was established based on the Agency’s criteria of what is considered best available technology economically achievable (BAT). The Agency acknowledged that there were available technologies that could produce better results but would cost an extra billion dollars in capital expenditures, and would have a significant financial impact.

In recognition that this technology was available, EPA instituted an approach that was very similar to the pollution prevention options that resulted from the multi-media pollution prevention report. The VATIP established three tiers of more stringent limitations; 1) if commitment is made within the first year of a permit cycle to the first tier of more stringent limitations, you would get 5 years to comply; 2) similarly, if commitment was made to the second tier, you would get 10 years to comply; and 3) if you agreed to the third tier, you would get 15 years to comply.

Second, with the Pesticides Formulators, Packagers and Repackagers (PFPR) effluent guidelines, the approach was somewhat different. EPA proposed a zero discharge standard based on the ability of the industry to recycle and reuse the wastewaters from the processing. Most of it was rinsewaters from tanks, where the pesticide was formulated for bottling or distribution. Most of the facilities were able to comply by storing rinsewaters, reusing them in a future formulation of the same or similar product, or through actual application - using the wastewaters as a pesticide for application. There were a number of facilities that had problems because recycle and reuse options were not available. The Agency developed a pollution prevention alternative to the zero discharge regulation which prescribes specific circumstances in which a discharge would be allowed. The alternative specified which wastewaters the discharge would be allowed for and the types of technologies that would be considered acceptable treatment for those wastestreams. These facilities are mostly indirect dischargers, therefore, the Agency expended a lot of effort subsequent to promulgation of the regulation to educate, not only the industry, but the publicly-owned treatment works (POTWs) that were responsible for the implementation.

The Task Force recommendations have made many differences. For example, in developing the original Metal Products & Machinery (MP&M) Phase I proposal, EAD had a bibliography that was very significant; EAD looked at alternative technologies that will not only impact the water but the air relative to the animal feeding operations arena and the iron and steel operations. The third area where these recommendations have made a big impact is the process of selecting industries for which we will do a preliminary study.

Ms. Frace also discussed the Task Force's outreach efforts which has made great progress in the last 10 years. We are learning a lot from the small business process, relative to obtaining comments before proposal. This type of communication has improved our timing of projects. For example, in sharing information with small entities in the MP&M effluent guidelines project, we provided information from some of our early costing runs that showed an inordinate percentage of the industry going to zero discharge, based on the cost of implementing even our least stringent option. We were able to revise our estimates based on early input. Another issue is using other data sources. EAD has been successful in using information from the Office of Surface Mining and the States with regard to coal mining; with the animal feeding operations, our data is from US Department of Agriculture.

Ms. Frace was asked whether or not EPA could publicize obtaining more relevant data from outside entities. Ms. Frace responded that the data will come from the industry, or from

someone who has the authority to go on site and do the sampling, (the POTWs or the State). Unfortunately, the State resources are such that we have not had any States come forward with interest in helping to do the sampling.

A suggestion was made to use electronic media more and noted that the Web page for effluent guidelines has not been updated since April 1999. The status of the Task Force and case studies could be made available on the Web page. Ms. Frace agreed.

Mr. Gilliam asked about the status of other activities, such as hospital sterilizers, mercury-cell chloralkali plants, and painting and stripping operations. Ms. Frace responded that there has been a series of meetings, including discussions on animal feeding operations, chloralkali plants, and POTWs. Some of these discussions were convened as a result of the OAQPS' urban toxics initiative to determine where the Air Office should direct their resources. We are not looking at POTWs. Currently, there are regulations underway in the Air Office to deal with mercury-cell chloralkali facilities. There are about 14 chloralkali plants in the country that still use the old mercury-cell technology. We do have effluent guidelines that cover chloralkali production. There has been discussion of whether we should update those standards and establish limits that would push industry away from the older technologies. However, there are significant cost repercussions, and there are Resource Conservation Recovery Act (RCRA) implications of closing out some old facilities in terms of what to do with the materials. Therefore, we are coordinating these discussions to determine all the implications.

After a lengthy discussion about the "Recommendations" report, Ms. Frace requested the members review it and submit suggestions so that it can be revised and put on the Website. The deadline for submission of comments is February 26, 2000.

Ms. Frace was asked the purpose of this report and she replied that it would be used relative to the consent decree charge, what has been accomplished, and what needs to be accomplished. Ms. Nellor added that these recommendations will help set up measures to assure the timing of regulation development does not slip in the wrong direction. A discussion followed about the development of a standard operating procedure for conducting an effluent guideline. Ms. Frace indicated that Jim Lund (EAD) will update the guidance document for new employees. There will also be a new round of brown-bag lunches on this subject and other OW issues.

Ms. Nellor summarized that the Recommendations of the Task Force would be put to final form on the Website, and the Task Force members should send comments to Sheila by February 26. This report will go to NACEPT as a report-back.

III. Best Management Practices

Ron Jordan, U.S. EPA, OST/EAD

Ron Jordan's presentation entitled: "Best Management Practices in Effluent Guidelines." Mr. Jordan began his discussion by explaining that in the older guidelines, there might be some type of aspect that is called a BMP. Examples include the type of BMPs being incorporated in guidelines at this time. 1) Pulp and Paper regulations were published in April 1998 and has phased implementation for BMPs. April 1999 was the first deadline that some facilities might have had to deal with implementing BMPs, depending on discharge status; 2) Pesticide Formulating Packaging and Repackaging effluent guidelines had a requirement that sets the discharge, but there was also specific management practices and specific requirements for record keeping and reporting; 3) Animal Feeding Operations regulations will rely on BMP for at least a significant part of the regulation. These rules are scheduled for proposal in December 2000 and cover four major animal sectors. Other industries which will rely on BMPs include coal mining, and construction and development effluent guideline. Mr. Jordan stated that this is a good time for EPA to evaluate the effectiveness of the BMP approach. He presented a list of reasons why EPA considered using BMPs in effluent guidelines including: (1) it is either infeasible, or certainly very difficult, to set a numerical limit, (2) the effluent limit approach may be inadequate; (3) increased flexibility for industry; and (4) more pollution prevention opportunities.

Ms. Frace offered the example of PFPR, where EPA established a limit, in this case, zero discharge, but also provided an alternative to avoid multi-media impacts in certain instances. That did give industry some flexibility. Mr. Jordan added that it helps to do the preventive measure and impose some BMPs that prevent failures, such as lagoon ruptures from occurring.

Mr. Jordan continued with a detailed summary of the BMPs for Pulp and Paper, and Concentrated Animal Feeding Operations (CAFO) rules.

Pulp & Paper

Goal: Minimize spills and other losses of pulping liquor, turpentine, and soap.

BMP Requirements:

- operate monitoring/alarm systems to detect spills—and establish self-monitoring action levels
- inspection/repair program to fix leaks
- install necessary structural controls (e.g., sumps, diversions, etc.)
- recordkeeping, reporting, annual training
- develop BMP Plan (engineering study, periodic review/revision)

Phase implementation schedule:

- 12 months: develop Plan & implement BMPs that do not require construction
- 24 months: install new automatic monitoring systems, if needed
- 36 months: install new structural controls

Performance Measures:

- install spill controls (e.g. containment, curbing, etc.)
- operate continuous, automatic monitoring systems for spill detection (e.g., tank level alarms, sump conductivity)
- establish program to repair leaking equipment items
- conduct wastewater monitoring, and establish action levels tied to this monitoring
- develop & implement the BMP Plan
- training program requirements
- recordkeeping & reporting (including spill reports)

Tools available to facilitate implementation:

- Technical Support Document
- Permit Guidance Document
- Multimedia Compliance Assessment Guide

CAFOs

Goal: 1) Prevent over-applying manure on cropland; and 2) Prevent leaks & catastrophic failure of manure storage lagoons

Potential Requirements:

- limit manure application to agronomic rates
- monitor nutrient levels in manure and soils
- recordkeeping, equipment calibrations, training
- self-inspections of manure storage lagoons
- develop Nutrient Management Plans
- minimal reporting (reliance on-site compliance records)

Performance measures:

- completion of certified Plan
- Plan must include certain required elements
- records (e.g., nutrient levels, manure & fertilizer applications, off-site transfers)

Tools to facilitate implementation:

- Development Document
- Example nutrient management plan
- Compliance Guide
- Outreach activities (EPA, USDA)

Mr. Jordan concluded his presentation with a discussion of the challenges presented by BMPs.

- Effectiveness of the approach
- Performance measures for judging compliance
 - important for both facility and permitting/pretreatment authority
- Tug-of-war between prescriptive requirements vs. vague guidance
- Reduce burden
 - facility and permitting/pretreatment authority

Municipal Stormwater

Boyd Church, Montgomery County, MD Department of Environmental Protection

Mr. Church distributed the following handouts which describe Montgomery County DEPs compliance accountability, standards on BMPs for stormwater management, and the local laws and regulations that enforce regulations of maintaining stormwater management facilities.

- Commercial Stormwater Facility Maintenance - A Guide to Oil/Grit Separators, Underground Storage Structures, and Other Facilities (Brochure)
- Clean Water Partners, Volume 1, Number 1, Summer 1999 (Newsletter)
- Montgomery County Department of Environmental Protection - Stormwater Facility Maintenance Program - 1/25/00 (summary of slides)
- Maintaining Urban Stormwater Facilities - A Guidebook for Common Ownership Communities

IV. Strategy for New Industries and New Categories

Wendy Smith, U.S. EPA, OST/EAD

Ms. Smith remarked that at the last EGTF meeting, EAD was in the process of selecting two industries for regulation, according to the consent decree, by December 1999. At that meeting new data sources were presented that were being incorporated into the process of selection, including “toxic” release inventory (TRI)” program. We have since made some changes to the selection process. Some of the revisions to the selection process were greatly influenced by the recommendations of the Task Force. The focus has been on multi-media rulemaking and better use of the environmental data. Our process involved consultations with other offices that were doing multi-media rulemakings, looking at the TRI database, and getting information on the 305(b) database about impaired water bodies. We also continued discussions with Office of Water staff, the Permits program, Compliance and State representatives concerning the potential disconnect between our effluent guidelines and the States’ concerns. We contacted the Regions, States, and local governments, receiving comments on the 304(m) plan, interacting with the environmental groups, and looking at the studies that were initiated in our office. After looking at this information, we developed a list of sixty one categories (handout entitled: “Industries Under Consideration for Effluent Guideline Selection”). Ms. Smith indicated that some of the categories are already covered because they have already been promulgated, or are in the process of being promulgated, and there are regulations that are currently being developed, such as CAFOs, MP&M and Iron

and Steel. These categories were removed when we looked at the remainder of the list. Unfortunately, EAD did not find categories that overlapped all these criteria. In looking at the TRI database, which reports “toxics” and the 305(b) database (reports water quality impairments), there are different pollutants, problems, and concerns. Also, in talking to our outreach people, they often had a very site-specific concern that was unrelated to other concerns.

Ms. Smith continued that the categories were ranked in terms of what was most important, such as the discharges of TRI, and the sources of impaired water bodies. The major concern of the States and Regions was nutrients, siltation, and pathogens. As a result, the list was narrowed to eight categories with the addition of two more from unresolved issues from other rulemakings. After briefing management, three categories were selected. The first category, meat processing, is a big industry which includes red meat and poultry. There are guidelines but no regulations for nutrients ever promulgated, and there are no regulations for the poultry sector. There is great interest in the Del Marva Peninsula for these categories. EAD received comments that there would be some facilities that would switch from the containers covered by the Transportation Equipment Cleaning (TEC) rules to industrial containers not covered by the TEC rules. The last category selected was the aquaculture industry, which is growing very fast. Again, with this industry, there was a guidance document, but no regulations for this industry.

Ms. Smith was asked why aquaculture was selected when it was not included in the ten “finalists”. She explained that the aquaculture category came up at a briefing for the Assistant Administrator for Water, who was very interested in this category and its impact on the Chesapeake Bay. She added that aquaculture was mentioned often by outside sources, but was not as prevalent as meat processing and POTWs. However, management was very concerned about the aquaculture nutrient issue so it became a priority. Also, it is unclear if EPA can legally regulate POTWs under an effluent guideline. She stated that EAD wants to solicit comment in the Federal Register, relative to possible industry selection to make these notices more helpful. In the past, we have listed the categories that are among the top selections. Very rarely do we receive valuable comments that look at the information that has been provided through preliminary studies. As a result, the usefulness of the notice is difficult to assess.

Ms. Sundstrom commented that the 304(m) notice serves some functions for the public. It may not serve a lot of functions for EAD, but for the public, it does serve a function and the basic approaches EAD has used does not need to be changed.

V. Update - Effluent Guidelines Program

Sheila Frace, Director, Engineering & Analysis Division

Ms. Frace stated that since the last Task Force meeting, EAD has had a few major accomplishments. Two final rules were signed by the Administrator on November 30, 1999,

Landfills and the Hazardous Waste Combustor rules. The other major accomplishment was the completion of the De-icing study which will be on the web soon. Also, EAD convened two small business panels under the Small Business Regulatory Enforcement and Fairness Act (SBREFA) for Metal Products & Machinery and for CAFOs.

Ms. Frace was asked if EAD got a good cross section for the MP&M SBREFA panel. She responded yes, in terms of the small entity representatives that advised the panel. We realized that CAFO is probably the largest rule that we have ever attempted, and due to the different animal sectors and trying to get multiple representatives of each animal type, we probably have more than 25 or 30 small entity representatives. For MP&M, there are probably between 12-20 representatives for each category.

VI. Approval of Meeting Summary

Margaret Nellor, Sanitation District of Los Angeles County

Ms. Nellor thanked the participants for their presentations and asked the Task Force members to approve the minutes. She asked if there was anything in the summary that needed to be revised or changed. Ms. Sundstrom asked about the section at the end on ‘multimedia sector planning’, which discusses various things that could be coordinated with natural and various other factors in a graded urban strategy, etc. Is this section only relevant when effluent guidelines are being developed by EAD, or are there multimedia coordination opportunities that were discussed? Ms. Frace responded that the basic approach looked at something that all offices were interested in doing. It was at least a two-fold effort. There are ongoing activities where two offices are working on the same sector, but on different schedules. There is another level where a category is the highest priority for each office. The reality is that every office has long lists of different priorities and our goal is to maximize these priorities.

Ms. Nellor asked if there were any other changes to be made to the summary other than the one correction requested by Allen Gilliam about paint stripping operations. A member stated that in the second paragraph of the ‘Fish Tissue Survey’ presentation where the sentence reads: “risk in fish tissue designed to expand the scope”, may be missing a word. It should read: “The Office of Water has initiated work on a new study of chemical residues in fish tissue. The new study is designed to expand the scope of the 1987-89 study.”

Ms. Nellor noted that the Task Force approved the September 1999 minutes.

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VII. Stakeholder Involvement Discussion of Recommendations

Glenn Shaul, USEPA-Cincinnati

Mr. Shaul presented Stakeholder Involvement Workgroup recommendations (“White Paper - Effluent Guidelines Task Force Work Group 1: Stakeholder’s Involvement”). The two basic issues addressed by the workgroup were: (1) How stakeholder involvement can be increased, and (2) Should stakeholders be paid to participate, if they cannot afford to do so and, if so, how should they be paid? Mr. Shaul stated that for the first issue, an interactive communication plan was developed and approved by the workgroup. Information will be disseminated as widely as possible, and the workgroup identified possible dissemination vehicles. On the second issue, Mr. Shaul said that the workgroup was not able to reach consensus on the appropriate model (among four possible models); however, there was consensus in the workgroup that an affected stakeholder should not be excluded from involvement because of economics. The workgroup decided to let the Task Force decide this issue.

An open discussion followed. Mr. Shaul was asked at what stage of the effluent guideline development process the workgroup envisioned stakeholder involvement. He replied that this involvement related to all stages. Mr. Neufeld raised a concern that by keeping everyone informed at every stage of the process may hinder progress. Mr. Shaul responded that the workgroup did consider this idea of proxies. A possible model was suggested to have EPA represent everyone (i.e., the public interest at large) except the regulated community. Maybe that model can be made to work. Nancy Stoner (NRDC) said that is not an appropriate model because EPA is not capable of doing that.

A discussion focused on the basic goal of stakeholder involvement. Should it be done so that EPA can say it was done or is the goal to get input? If input is the goal, the view was expressed that EPA must involve all the stakeholders and not adopt any shortcuts.

Ms. Frace asked how the workgroup defined a proxy. The workgroup responded that they considered a proxy to be someone actually selected by the party unable to participate. Hilary Inyang added that the workgroup also suggested that proxies could monitor meetings later in the process to ensure that positions taken by the stakeholder in earlier meetings are not forgotten. This use of proxies could, for the stakeholders, ensure oversight of the process without the cost of continual direct participation.

Ms. Nellor asked if the workgroup considered recommending a menu of options for EPA to choose from. Mr. Shaul said that the workgroup’s initial intent was to have the Task Force make a definite recommendation to EPA, not to present a menu of options. Mr. Shaul

suggested that the issue of what stakeholder involvement model should be recommended to EPA should be addressed in a conference call.

Regarding the issue of funding participation, Fran Robertaccio explained how the workgroup agreed that economics should not be allowed to exclude participation of someone who wants to be involved, and that we need to find ways to address this issue. Bernadette Berdes said that she believes a particular funding model does not have to be selected. Instead, we need to refine the method of communication and need to refine how we communicate to different levels of participants. The funding will follow.

Mr. Shaul clarified that, while the workgroup has recommended elements of the communication plan, EPA is to write the plan. It was agreed that having EPA develop the communication plan is a good idea, and that the funding issue could be part of the communication plan.

Ms. Nellor suggested that the workgroup revise the recommendation based on today's discussion and poll the Task Force members by e-mail on the February 25 for approval and/or comments. Mr. Shaul then suggested that he, Margie, and Sheila have a conference call before then to decide how to handle the procedure for this e-mail exercise. Mr. Shaul said that the workgroup will have a conference call for its members on February 7, 1:00 EST. Mr. Shaul will schedule.

VIII. Vision of Effluent Guidelines Program - OST Priorities

Sheila Frace, Director, EAD

Ms. Frace stated that Geoff Grubbs (Director, OST) could not attend today's meeting and continued to describe his background and his interests and concerns regarding the effluent guidelines program. She noted his strong ethic that we need to meet the commitments that we make. Also, she noted his interest that we utilize the technologies that are out there. For example, we need to improve our Internet usage -- making information more accessible and targeting this information more accurately to various audiences. Ms. Frace said that he saw the document summarizing all the Task Force's recommendations and was impressed about its outcome. She stated that he has a strong commitment to the effluent guidelines program and sees flexibility in the unique multi-disciplinary nature of EAD, which supports the various geographical-based needs around the country. She continued that Geoff is also very interested in making better use of other resources through better coordination with other agencies to deal with environmental issues which we all face.

Mr. Shaul noted that the Office of Research and Development (ORD) has had a strong collaborative role with EAD on effluent guidelines in the past but that this is now diminishing as ORD is headed on a more scientific track. Ms. Frace suggested that our new approach to guideline development puts less emphasis on research in individual guidelines, but that EAD still needs ORD's research on generic issues and long-term needs. She concluded her description of Geoff's interests in communication and outreach.

IX. Task Force Charge and Discussion of Future Role of the Task Force Sheila Frace, Director, EAD

Ms. Frace described the handout on the “Future Role of the Effluent Guidelines Task Force.” She noted that (1) the Consent Decree is not specific about the life span of the Task Force; (2) the clear focus of the Consent Decree is on recommendations for expediting the promulgation of effluent guidelines; and (3) according to the Consent Decree, EPA is to request recommendations in specific areas of the effluent guidelines development process. She said that her intent in this meeting is to go over each specific area individually in order to have the Task Force discuss whether it has done as much as it can or whether there is more to be done.

Ms. Frace then reviewed the Task Force reports produced over the years. She gave an overview of some of the areas where EPA is successfully implementing recommendations, resulting in shortened time frames for recent guidelines. Mr. Robertaccio asked if a revised flowchart of the effluent guidelines development process is available highlighting current guidelines. Ms. Frace replied that there is no new flowchart yet, and she described in detail how the bottlenecks have been different for each of the recent guidelines. She added that there is a modified process for which a new flowchart could be drawn. Since there are no longer any global bottlenecks, there is no single opportunity to improve this new process. A question was raised about litigation, and Ms. Frace gave several examples relating to the recent guidelines.

Ms. Stoner said that the recommendations made by the Task Force as presented in the Task Force Mission Report line up well with the Consent Decree. Regarding the future role of the Task Force, she suggested working from what the Task Force has already done. She suggested putting the Task Force Mission Report on the Internet, selecting the biggest categories of recommendations, and having EPA report quarterly on further progress in implementing the major categories of recommendations. These quarterly reports would be made available to the Task Force members and to everyone through the Internet. She recommended annual meetings of the Task Force to discuss whether EPA is implementing the recommendations as intended and whether there is a need for more recommendations. The annual meetings could also serve to find out whether EPA has any additional requests for recommendations.

Ms. Frace noted that these reports would be long, time-consuming to prepare, and probably daunting to the reader because of their length if they covered all the Task Force’s recommendations. She pointed out that the Task Force Mission Report was deliberately written to present a concise picture (and therefore necessarily left some things out) rather than a comprehensive picture. This was done because of complaints that previous reports were too long and therefore not read. Ms. Stoner replied that she was suggesting that the quarterly reports cover only the Task Force’s major recommendation areas (e.g., pollution prevention).

The view was expressed that what the Task Force has done over the years does indeed seem to fulfill the consent decree. There was general agreement on this among the Task Force members. Ron Neufeld suggested that the question should not be “whether the Task Force can do more” because the answer to that is that “the Task Force can always do more.” Instead, he suggested that the question should be whether the Task Force has fulfilled the expectations for which it was established. In his view, an oversight role until December 2003 would now make sense for the Task Force. Ms. Berdes stated that the Task Force is not finished. She said that the Task Force can still contribute much regarding communication and outreach. She also said more work is needed on cross-regulation, co-regulation, and media transfer. The Task Force could also help find ways of dealing with smaller POTWs and hauled waste issues. Also, in her view, the Task Force can and should try to do more on the subject of reviewing existing regulations.

Mr. Shaul agreed that the Task Force should do more work on cross-media and on reviewing existing regulations. He also thought that interviewing EPA staff, as was done in the early days of the Task Force, was a valuable effort, and that it might be a good time to repeat the exercise again since the staff are now implementing the Task Force’s recommendations. Mr. Shaul added that he thought meeting a couple times a year would work best in the future for the Task Force.

Task Force members expressed the view that, while the ideas of future work that have been suggested for the Task Force are good ideas, it is questionable whether the Task Force should reinvent its charge to do these valuable things. The question of diminishing returns as the Task Force continues to work was also voiced.

Mr. Peters said that he was not sure how to review old effluent guidelines but that he saw value in doing a “post mortem” of the recent guidelines (i.e., what affected what, as these guidelines were being developed). Ms. Nellor asked how that was different from an oversight role. Mr. Peters replied that an oversight role implied some value judgments, whereas the “post mortem” he was suggesting is simply an objective fact-finding exercise.

Mr. Robertaccio noted that, based on his earlier questions to Sheila in this meeting, there seemed little left for the Task Force to accomplish. Therefore, he suggested that the Task Force could address areas like coordination with other agencies or looking at the content of effluent guidelines (e.g., dealing with additives to foods and hormone additives, etc.). He said that this effort could be global (i.e., not industry by industry) and therefore would have broad impact on effluent guidelines. He also noted that this would involve new technologies, and the consent decree specifically mentions recommendations on new technologies. He concluded that the Task Force could do this type of work in addition to fulfilling an oversight role.

The point was brought up that the oversight role could be like a corporate board of directors. The Task Force would not get involved with details but only concern itself with major issues. It was further suggested, however, that this oversight role on only major matters is not

compatible with the role of continuing to address minor details. To do the latter would require more than just annual meetings. Whereas the oversight role could be done with only annual meetings. The view was expressed that conference calls are not a satisfactory way of trying to do work. There is important synergy gained by meeting face to face. Therefore, continuing to do work on issues would require more than just one meeting per year.

Lois Epstein suggested that the oversight role probably made the most sense at this point. While more work should be done on cross-media regulations, this work is not easy. She suggested some possible elements for oversight: timing of regulatory steps, communication with stakeholders, pollution prevention, multi-media regulations, category selection/justification. With quarterly reports put on the Internet and provided to the Task Force, a Task Force oversight role could be fulfilled with an annual meeting. A view was expressed that, if there is only an annual meeting, the quarterly reports are important to update the Task Force members between meetings.

Ms. Frace stated that, given the pace of effluent guidelines development, not much changes from one quarter to the next. As a result, comprehensive quarterly reports may not be that useful. However, if each report is focused on a specific area and EPA is given discretion on selecting not only the area of focus but also the timing of submitting the report, the reports will probably be more useful. She continued, giving an example of this for this coming year relating to the development of the Iron & Steel regulation.

The idea was posed that, if the report were to be a comprehensive report (and not individually area-specific as Sheila suggested), it could have a tabular format. And, if there is no change from one report to the next, just indicate "no change."

Vincent Torres said that he believes that the Task Force has done good work but that there is more work to be done. There are still some open-ended issues that are not finished. That is not a negative observation, but a positive one. Good work often uncovers needs for more work to be done, and that is the case here. He went on to say that he believes the future role of the Task Force should blend the oversight role with continuing work on more issues. He suggested meeting three times per year, with e-mail communication between meetings instead of teleconferencing.

Mr. Inyang called attention to the consent decree's mention of new technologies. He noted that, if the Task Force is to make recommendations on new technologies (as the consent decree states), the evolving nature of technologies suggests a continuing role for the Task Force. He also noted Geoff Grubbs's interest in geographic-based factors. Mr. Inyang said that a move toward a more geographic-based program is unavoidable and will require a group like this existing Task Force. He also said that EPA's BMP approaches still need more input from the Task Force.

John Torgan suggested that the Task Force has fulfilled its mission, and whether it should continue depends on EPA's needs. If the Task Force were to have a continuing role, it could

serve as a sounding board in the future, and it could be available to EPA on an “as needed” basis.

At this point Ms. Nellor said that she heard at least half the members suggest that the Task Force continue to deal with some issues. However, she stressed that unless you have the energy to make workgroups do the work, it isn't going to happen. She suggested that, unless the energy exists to continue to work on issues, the Task Force role of oversight (and serving as a sounding board) is probably more realistic.

Ms. Stoner suggested that the Task Force should do the oversight role at least. Regarding doing more than oversight, she said that would depend on what the “more” is and whether the Task Force is the best place to do it. She said that, for example, Mr. Robertaccio's idea of going outside the consent decree are very exciting, perhaps, those issues should be dealt with elsewhere. She added that the Task Force's role on those issues should be not to let them die and find where they should be addressed and see that they get resolved.

The example was brought up of revisiting existing regulations. The suggestion was made that maybe EPA's information office knows best how to address this issue. At this point, Ms. Nellor suggested (1) that oversight categories be decided at the May meeting; (2) that the EPA reports be done at appropriate times, rather than at regular quarterly intervals; and (3) that, if the Task Force wants to continue to work on specific subjects, let her know how and by whom this work is going to get done.

Ms. Frace said that, to avoid having the May meeting repeat the issues of this meeting, there need to be two workgroups between now and May – one on the oversight concept and one on the open-ended issues. Both workgroups will need to find time to communicate between now and May – probably by e-mail.

Ms. Nellor then split the Task Force into two groups – an “oversight/post mortem” workgroup (Mike, Nancy, Allen, Ron, Lori, and Lois) and a “continue issues” workgroup (Bernadette, Glenn, Fran, Vince, and Hilary). She said she was not sure where Mr. Torgan best fit. Mr. Torgan replied that when he looks at the charge in the consent decree and compares it to what the Task Force has done, he believes that the Task Force has fulfilled its task. Therefore, he best fits in the oversight group.

Ms. Frace mentioned that when a Task Force members' term expire, we always have to decide whether to continue members or replace them. In view of the prospect of the Task Force continuing to December 2003, Sheila asked if EPA could begin work now on paperwork to extend current Task Force members to 2003. Someone raised the question of why EPA needed to do this now and whether it could wait. Sheila replied that it is a time-consuming process involving Deputy Administrator approval, and therefore, it should be started now.

To summarize the workgroups, Margie suggested that the oversight workgroup (Nancy, Allen, Ron, Lori, Lois, Mike, and John) should consider what “oversight” should mean and what it should entail. She suggested that the open-ended issues workgroup (Bernadette, Mr. Shaul, Fran, Vince, and Hilary) should come up with what the Task Force should do and how they would do that and how often that should occur in terms of meetings. Margie said that both workgroups will need to select a Chair. Each workgroup’s task will be to flesh out its members’ visions and ideas and come to the meeting in May with recommendations for the Task Force as a whole to consider. Also, EPA may want to include topics on the May agenda for the Task Force to serve as a sounding board. Ms. Stoner volunteered to chair the oversight workgroup. Ms. Frace agreed to call Mr. Torres and Ms. Berdes to discuss who should chair the open-ended issues workgroup.

Mr. Peters suggested the meeting minutes be provided to Task Force members quicker than they have been provided in the past. He raised the question of when members would receive the minutes of this meeting. Ms. Frace said the meeting minutes would be provided in approximately one month.

Ms. Nellor said that comments on the Task Force Mission Report should be provided to EPA by February 25. Mr. Shaul’s stakeholder involvement group should have their conference call on February 7 and then decide on appropriate voting procedures. The two new workgroups on the future role of the Task Force should each get something to EPA by the end of April for inclusion in the May meeting agenda package. Mr. Shaul asked whether anyone specific, besides Geoff Grubbs, should be invited to the May meeting. Ms. Frace replied that it might be good to have a member of EPA’s Workgroup on Coordinated Rulemaking, as well as Sally Shaver (Division Director in OAQPS), attend the May meeting.

Ms. Frace mentioned that five letters on CAFOs were sent to the Task Force. She said the letters will be given to the CAFO team. She also said that the senders of the letters will be told that there is a CAFO rulemaking (in case they don’t know) and they will be told what the appropriate mechanism is for their comments.

The meeting was adjourned at 12:30p.m.

**Effluent Guidelines Task Force
January 25-26, 2000 Meeting**

Attendees

Task Force Members

**Margaret Nellor
Sanitation Districts of Los Angeles County**

**John Torgan
Narragansett BayKeeper**

**Hilary Inyang
University of Massachusetts**

**Vincent Torres
University of Texas at Austin**

**Lois Epstein
Environmental Defense Fund**

**Bernadette Berdes
Milwaukee Metropolitan Sewerage
District**

**Nancy Stoner
Natural Resources Defense Council**

**Lori Sundstrom
City of Phoenix**

**Francis Robertaccio
Du Pont Company**

**Glenn M. Shaul
U.S. EPA/Cincinnati**

**Neil Parke
Eli Lilly & Company**

**Michael Peters
Structural Metals Inc.**

**Ronald Neufeld
University of Pittsburgh**

**Allen Gilliam
Arkansas Dept. of Pollution Control
& Ecology**

Other Attendees

**Boyd M. Church
Montgomery County DEP**

**Erik Anderson
ADI Technology**

**Susie Bruninga
BNA**

**Sheila Frace
US EPA, OW/OST/EAD**

Wendy Smith
US EPA, OW/OST/EAD

Jim Lund
US EPA, OW/OST/EAD

Ronald Jordan
US EPA, OW/OST/EAD

Donald Anderson
US EPA, OW/OST/EAD